

Appin. No. 10/707,390
Docket No. PES-D-02-038/PES-0183

REMARKS / ARGUMENTS

Status of Claims

Claims 1-7, 9-27 and 31-33 are pending in the application. Claims 1-6, 9-15, 31 and 33 stand rejected. Claims 7, 16-27 and 32 are allowed. Applicant has canceled Claims 1-6, 9-15, 31 and 33 without prejudice, leaving Claims 7, 16-27 and 32 for consideration upon entry of the present Amendment.

In summary, Applicant has canceled all rejected claims, leaving pending only those claims identified as allowed.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) have been rendered moot, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102(b)

Claims 1, 13-15 and 31 stand rejected under 35 U.S.C. §102(b) as being anticipated by Fujita (U.S. Publication No. 2002/0148502, hereinafter Fujita).

Applicant has canceled Claims 1, 13-15 and 31 without prejudice, thereby rendering this rejection moot.

In view of the foregoing, Applicant submits that the Examiner's rejection under 35 U.S.C. §102(b) is now moot, and respectfully requests withdrawal of this rejection.

Rejections Under 35 U.S.C. §103(a)

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Fujita in view of Agricola et al. (U.S. Publication No. 2002/0134342, hereinafter Agricola).

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Fujita in view of Takeda et al. (U.S. Publication No. 2002/0092575, hereinafter Takeda).

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita in view of Belcher, Jr. (U.S. Patent No. 2,793,813, hereinafter Belcher, Jr.).

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita.

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Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita in view of Petite et al. (U. S. Publication No. 2002/0125998, hereinafter Petite.)

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita in view of Watson (U.S. Patent No. 3,322,135, hereinafter Watson).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita-Agricola as applied to Claim 2 above, and further in view of Takeda.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita in view of Dowdall (U.S. Patent No. 4,958,659, hereinafter Dowdall).

Claims 1, 10, 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McJones (U.S. Patent No. 3,719, 196, hereinafter McJones), in view of Fujita.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McJones/Fujita as applied to 1 above, and further in view of Agricola.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McJones/Fujita as applied to Claim 1 above, and further in view of Takeda.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McJones/Fujita as applied to Claim 1 above, and further in view of Belcher, Jr.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McJones/Fujita.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McJones/Fujita as applied to Claim 1 above, and further in view of Petite.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McJones/Fujita as applied to Claim 1 above, and further in view of Watson.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over McJones-Fujita-Agricola as applied to Claim 2 above, and further in view of Takeda.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over McJones/Fujita as applied to Claim 1 above, and further in view of Fujita.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McJones/Fujita as applied to Claim 1 above, and further in view of Fujita.

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Applicant has canceled Claims 1-6, 9-15, 31 and 33 without prejudice, thereby rendering these rejections moot.

In view of the foregoing, Applicant submits that the Examiner's rejections under 35 U.S.C. §103(a) is now moot, and respectfully requests withdrawal of these rejections.

Applicant has amended the claims for presentation in a better form for appeal. The claim amendments should only require a cursory review by the Examiner as they include only those claims previously identified as allowed.

In light of the foregoing, Applicant respectfully submits that the proposed amendments comply with 37 C.F.R. §1.116 and should therefore be entered, and with their entry that the Examiner's rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) have been overcome, and that the application is now in condition for allowance. Such action is therefore respectfully requested.

By amending and/or canceling one or more claims from further consideration in this application, Applicant is not conceding in this application that any claim prior to amendment and/or cancellation is not patentable over the art cited by the Examiner, as the present claim amendments and/or cancellations are only for the purpose of facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. In view thereof, Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

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In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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